

REMARKS

By this amendment, claim 1 is canceled and claims 2-4 are amended in a manner to clarify the inventions to which they are directed.

Each of the claims 2-4 has now been amended in a manner to call for a plurality of outwardly extending arms on each of the frame sides. It is additionally pointed out that each of the claims 2-4 calls for the vertical structures of the frame sides to act as the sole lateral barriers that prevent the shoes from falling sidewardly off of the shoe retaining bars.

It is respectfully submitted that the prior art fails to teach a shoe rack having this structure.

The Examiner applied the patent to Hauser in the initial rejection of claims 2-4. The Hauser patent apparently does include outwardly extending arms and a vertical structure. However, the vertical structure does not serve as a lateral barrier to prevent the shoes from falling sidewardly off of the shoe rack. As can be seen from Fig. 1, the shoes do not extend toward the door far enough to overlap with any vertical structure. Instead, the shoes terminate near the bars 41 which are closest to the door. Consequently, due to the positioning of the shoes on the rack, they cannot possibly be prevented from sliding laterally off of the shoe rack by any vertical structure. Instead, the toes fit between the double bars 41 at the outward ends of the arms, and this along with the brackets 42 is what prevents the shoes from sliding laterally off of the rack. Consequently, it is evident that (1) there is no vertical structure that serves as a lateral barrier at all in Hauser and (2) there is no vertical structure that serves as the sole lateral barrier. As a result, claims 2-4 are clearly differentiated from anything taught by or suggested in the Hauser patent.

The Examiner also applied the patent to Smith in the initial rejection. However, the Smith patent does not teach any outwardly extending arms, and claims 2-4 as amended are thus clearly differentiated from anything taught by Smith.

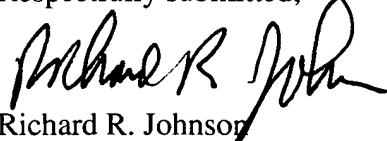
The final reference the Examiner relied upon in the initial rejection of claims 2-4 is the patent to Klein et al. which is owned by the assignee of this application. As is clear from Fig. 2 of the Klein '073 patent, the vertical members do not serve as the sole means for preventing shoes from sliding laterally off of the shoe rack. Rather, the arms 18 serve as additional side barriers, and Klein '073 thus fails to teach or suggest what is set forth in amended claims 2-4.

Thus, it is apparent that claims 2-4 differ fundamentally from what is taught by the prior art cited and relied upon by the Examiner. It is equally apparent that the subject matter set forth in claims 2-4 constitutes a significant improvement that has practical benefits not achieved by the prior art. Consequently, it is respectfully submitted that claims 2-4 set forth a novel structure that represents a significant advance in the art, and they should be allowed.

In view of the amendments that have been made to the claims and the compliance with the formal problems raised by the Examiner, it is respectfully submitted that this application is now in full condition for allowance. A formal notice to that effect is requested in due course. If the Examiner feels that a telephone conference will in any way be helpful to the advancement of this case, she is invited to call the number listed below at her convenience.

The Commissioner is hereby authorized to charge any additional fees that are required, or credit any overpayment to Deposit Account No. 19-2112.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard R. Johnson".

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